

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION

11 MAY 18 PM 2:26

SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

STEPHEN RECTOR,)
Plaintiff,)
v.) Case #: _____
TOWN OF FISHERS,) 1:11-cv-0674 JMS-TAB
Defendant.)

NOTICE OF REMOVAL

Comes now the Defendant, Town of Fishers, and pursuant to 28 U.S.C. §§ 1441 and 1446 files its notice of removal removing this cause from the Hamilton Circuit Court to the United States District Court for the Southern District of Indiana, Indianapolis Division, and in support thereof, states as follows:

1. Plaintiff filed his Complaint in the Hamilton Circuit Court on April 19, 2011, alleging that discrimination under the Americans With Disabilities Act, 42 U.S.C. 12101 et seq. and the Family Medical Leave Act, 29 U.S.C. 2601 et seq.
2. Defendant was served with the Plaintiff's Complaint on or about April 26, 2011.
3. 28 U.S.C. § 1441(b) provides that any civil action over which the district courts have original jurisdiction, founded on a claim arising under the Constitution or laws of the United States, shall be removable to the district court without regard to the citizenship or residence of the parties. Because Plaintiff has advanced claims arising under laws of the United States, jurisdiction exists in the district court and the cause of action is subject to removal.
4. This Notice of Removal is being filed within thirty (30) days after receipt of the Plaintiff's Complaint, as required by 28 U.S.C. 1446(b).

5. Defendant submits herewith a copy of the complaint and all filings in the Hamilton Circuit Court along with a notice of removal to the Hamilton Circuit Court being filed simultaneously herewith, in accordance with 28 U.S.C. § 1446(a).

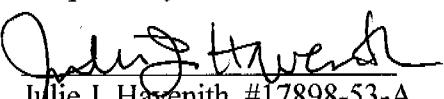
6. Written notice of filing of this Notice of Removal will be given promptly to counsel for Plaintiff, as specified in the attached Certificate of Service, as required by 28 U.S.C. 1446(d).

7. A copy of this Notice of Removal will be filed promptly with the Clerk of the Hamilton Circuit Court as required by 28 U.S.C. 1446(d).

8. Defendant demands a trial by jury in this matter.

WHEREFORE, Defendant, Town of Fishers, files its notice of removal removing this cause from the Hamilton Circuit Court to the United States District Court for the Southern District of Indiana, Indianapolis Division.

Respectfully submitted,

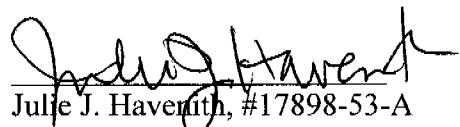
By: 
Julie J. Havenith, #17898-53-A

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon the following persons by United States Mail, postage paid, this 18th day of May, 2011:

David M. Henn
McClure McClure Davis & Henn
170 N. Madison Ave.
Greenwood, IN 46142

Jennifer L. Williams
Church, Church, Hittle & Antrim
10765 Lantern Road, Suite 201
Fishers, IN 46038


Julie J. Havenith, #17898-53-A